MONTANA LEGISLATIVE HISTORY

Chapter 305 1993

Bill H 132 S _____ Original bill & history ✓ C

H. Committee on Local Government			S. Committee on Local Government		
Hearing Date(s)	1-19	C	Hearing Date(s)	3-18	C
		C			C
		C			C
		C			C
Date Out	1-19	C	Date Out	3-25	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/16	TRANSMITTED TO GOVERNOR		
2/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 46		
	EFFECTIVE DATE: 10/01/93		

HB 131 INTRODUCED BY WYATT, ET AL.

PROVIDE GRANTS TO ESTABLISH AND IMPROVE SHOOTING RANGES

1/09	INTRODUCED		
1/09	REFERRED TO APPROPRIATIONS		
1/09	FIRST READING		
1/11	FISCAL NOTE REQUESTED		
1/15	FISCAL NOTE RECEIVED		
1/15	FISCAL NOTE PRINTED		
2/10	HEARING		
2/12	TABLED IN COMMITTEE		

HB 132 INTRODUCED BY WYATT, ET AL.

EXEMPT SALE OR LEASE OF MUNICIPAL PROPERTY ACQUIRED BY TAX DEED FROM VOTER APPROVAL

1/09	INTRODUCED		
1/09	REFERRED TO LOCAL GOVERNMENT		
1/09	FIRST READING		
1/19	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED		
1/22	2ND READING PASSED	97	0
1/25	3RD READING PASSED	97	0
	TRANSMITTED TO SENATE		
1/27	FIRST READING		
1/27	REFERRED TO LOCAL GOVERNMENT		
3/18	HEARING		
3/26	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED	47	0
3/29	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/06	SIGNED BY SPEAKER		
4/07	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 305		
	EFFECTIVE DATE: 10/01/93		

HB 133 INTRODUCED BY FOSTER, ET AL.

AUTHORIZE CERTAIN FEDERAL OFFICERS TO ACT AS EX OFFICIO WARDENS OF DEPARTMENT OF FISH, WILDLIFE, AND PARKS

BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, AND PARKS

1/11	INTRODUCED		
1/11	REFERRED TO FISH & GAME		
1/11	FIRST READING		
1/14	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/22	2ND READING PASSED	90	6
1/25	3RD READING PASSED	82	15
	TRANSMITTED TO SENATE		
1/27	FIRST READING		
1/27	REFERRED TO FISH & GAME		
3/04	HEARING		
3/05	COMMITTEE REPORT—BILL CONCURRED		

House BILL NO. 132

INTRODUCED BY Wyatt Ford

McLaffert Ensdy Brady Ream

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE SALE OR LEASE OF MUNICIPAL PROPERTY ACQUIRED BY TAX DEED FROM THE REQUIREMENT THAT A CITY OR TOWN COUNCIL MUST OBTAIN VOTER APPROVAL BEFORE AUTHORIZING THE SALE OR LEASE OF ANY MUNICIPAL PROPERTY HELD IN TRUST FOR A SPECIFIC PURPOSE; AND AMENDING SECTION 7-8-4201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-8-4201, MCA, is amended to read:

"**7-8-4201. Disposal or lease of municipal property.** (1) Subject to the provisions of subsection (2), the city or town council may sell, dispose of, or lease any property belonging to the city or town.

(2) (a) ~~Such~~ The lease or transfer ~~shall~~ must be made by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

(b) ~~If~~ Except for property acquired by tax deed, if the property is held in trust for a specific purpose, the sale or lease ~~thereof~~ must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose.

(3) ~~Nothing--contained--herein~~ This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city ~~heretofore~~ that were acquired for parks within the limitations prescribed by 7-16-4223."

-End-

RPT. LCB4 FINAL COMMITTEE REPORT OF REFERRED BILLS RUN TIME 16:01
RUN DATE.... 05/03/93

CHAIRMAN--NORM WALLIN COMMITTEE--HOUSE LOCAL GOVERNMENT
SECRETARY-PAT BENNETT
NORMAL SCHEDULE => SITE: ROOM 104 DAYS: TU,TH TIME: 3:00 P.M.

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0014	TOOLE, HOWARD		LONGEVITY PAY FOR SHERIFF DEPARTMENT EMPLOYEES			
	12/30	1/05		TABLED ON 01/05 VOTE: 14-0		
HB0039	EWER, DAVID		CLARIFY ELECTION REQUIREMENT FOR MUNICIPAL WATER AND SEWER BONDS			
	12/30	1/12		PASS AS AMENDED 01/14 VOTE: 14-0		1/15
HB0044	EWER, DAVID		INVESTMENT OF MAINTENANCE DISTRICT FUNDS			
	12/30	1/05		DO PASS 01/12 VOTE: 15-0		1/13
HB0062	KELLER, VERNON		APPOINTMENT OF UNEVEN NUMBER OF DIRECTORS ON WATER & SEWER DISTRICT BOARD			
	12/30	1/12		TABLED ON 01/12 VOTE: 14-1		
HB0063	KELLER, VERNON		ELIMINATE COUNTY RAFFLE PERMIT FOR RELIGIOUS GROUPS AND NONPROFIT AGENCIES			
	12/30	1/07		PASS AS AMENDED 01/12 VOTE: 14-1		1/13
HB0087	FAGG, RUSSELL		REVISE LIEN ARISING FROM LOAN FROM REVOLVING FUND OF RURAL SID			
	12/30	1/05		TABLED ON 01/05 VOTE: 14-0		
HB0088	MCCAFFREE, ED		REMOVING MINIMUM BID REQUIREMENT AT SHERIFFS' SALES/DISTRIBUTION OF PROCEEDS			
	12/30	1/12		PASS AS AMENDED 01/12 VOTE: 14-1		1/13
HB0109	BARNETT, JOE		COUNTY COMMISSION DISCRETION IN ROAD DEVELOPMENT			
	1/06	1/14		DO PASS 01/14 VOTE: 12-2		1/15
HB0132	WYATT, DIANA		EXEMPT SALE OF MUNICIPAL PROPERTY ACQUIEED BY TAX DEED FROM VOTER APPROVAL			
	1/09	1/19		DO PASS 01/19 VOTE: 14-0		1/20
HB0137	SAYLES, TIM		REPEAL DISTRIBUTION OF FIRE CODE REQUIREMENT			
	1/11	1/19		DO PASS 01/19 VOTE: 14-0		1/20
HB0139	GRINDE, LARRY HAL		EXEMPT REGISTERED LAND SURVEYOR FROM SEEKING UNDERGROUND UTILITY INFORMATION			
	1/11	1/19		PASS AS AMENDED 01/26 VOTE: 15-1		1/27

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN NORM WALLIN**, on January 19, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Norm Wallin, Chairman (R)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Tim Dowell (D)
Rep. Dave Ewer (D)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Ed McCaffree (D)
Rep. Sheila Rice (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Randy Vogel (R)
Rep. Karyl Winslow (R)
Rep. Diane Wyatt (D)

Members Excused: Rep. Ray Brandewie, Vice Chairman (R)
Rep. Dave Brown (D)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Pat Bennett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 139; HB 137; HB 132
Executive Action: HB 132; HB 137

HEARING ON HOUSE BILL 139

Opening Statement by Sponsor:

REP. LARRY GRINDE, HD 30, Lewistown, introducing HB 139 on behalf of the Montana Surveyors, stated that the statute under Section 61-4-502 was enacted to protect those who were digging utility lines and phone lines with backhoes, etc., from injury or death. This law does not address surveyors. HB 139 would exempt surveyors from this statute. The surveyors would be hand digging no further than 12 inches into the ground. Prior notification to

small towns in compliance with fire laws, a hard copy would need to be available to these communities.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

CHAIRMAN WALLIN asked, when a person applies for a permit to build, if the application also goes to the fire marshall. **Mr. Suenram** explained the Fire Codes of Montana had nothing to do with the Uniform Building Code which is used to enforce building code regulations.

Closing by Sponsor:

REP. SAYLES closed on HB 137.

HEARING ON HOUSE BILL 132

Opening Statement by Sponsor:

REP. DIANA WYATT, HD 37, Great Falls, said HB 132 was one of seven bills dealing with Title 7 revisions which the MSU Local Government Policy Council had worked on over the past several years. The bill would not affect any land held in trust for specific purposes. All property obtained through a tax deed must be disposed of through an ordinance or a resolution passed by a two-thirds vote of the city council. The only exception is it need not be taken to a majority vote of the electors in that municipality.

Proponents' Testimony:

Alec Hansen, Executive Director, Montana League of Cities and Towns, expressed support for HB 132 stating it would give Title 7 some clarification. There was some uncertainty whether tax deed property acquired by municipalities was exempt from the voter approval requirement in Section 2.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. VOGEL asked **Mr. Hansen** for an example of a tax deed being acquired. **Mr. Hansen** said that if the property is located within a municipality, the tax deed can be acquired from the county. The city pays the delinquent property taxes and acquires the property. There is a bill in the Senate which would waive the requirement for the city to pay the delinquent property tax.

Closing by Sponsor:

REP. WYATT closed on HB 132.

EXECUTIVE ACTION ON HOUSE BILL 132

Motion/Vote: **REP. STELLA JEAN HANSEN MOVED HB 132 DO PASS.** Motion carried unanimously.

Discussion: **REP. VOGEL** said he could see where there would not be the opportunity for the people to participate in the sale.

REP. WYATT stated the city would take over responsibility for the sale, but first must pay the county back taxes.

Mr. Campbell explained that in order for the city council to put property up for sale it must first get the vote to do so and then the property must be put back up for bid as required by other provisions. This bill would not take away a person's option to purchase property.

EXECUTIVE ACTION ON HOUSE BILL 137

Motion/Vote: **REP. BOHLINGER MOVED HB 137 DO PASS.** Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:30 p.m.

NORM WALLIN, Chairman

PAT BENNETT, Secretary

NW/PB

930119LG.HM1

HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL **DATE** 1-19-93

NAME	PRESENT	ABSENT	EXCUSED
REP. NORM WALLIN, CHAIRMAN	✓		
REP. RAY BRANDEWIE, VICE CHAIRMAN			✓
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. DAVE BROWN			✓
REP. TIM DOWELL	✓		
REP. DAVID EWER	✓		
REP. STELLA JEAN HANSEN	✓		
REP. JACK HERRON	✓		
REP. ED McCAFFREE	✓		
REP. SHEILA RICE	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. RANDY VOGEL	✓		
REP. KARYL WINSLOW	✓		
REP. DIANA WYATT	✓		

HOUSE STANDING COMMITTEE REPORT

January 20, 1993

Mr. Speaker: We, the committee on Local Government report that House Bill 132 (first reading copy -- white) do pass .

Signed: _____

Norm Wallin, Chair

HOUSE BILLS STATUS SHEET

LOCAL GOVERNMENT COMMITTEE

BILL NUMBER	ENTERED COMMITTEE	CONSIDERED	OUT OF COMMITTEE	BCI BE CONCURRED IN	BNCI BE NOT CONCURRED IN	BCIAA BE CONCURRED IN AS AMENDED	BNCIAA BE NOT CONCURRED IN AS AMENDED
HB 39	1-22-93	2-9-93	2-9-93	✓			
HB 44	1-20-93	2-9-93					
		2-11-93	2-11-93	✓			
HB54	1-11-93	1-19-93	1-19-93	✓			
HB 80	1-13-93	1-19-93					
		1-21-93		✓			
HB109	1-20-93	2-2-93	2-2-93	✓			
HB 128	2-2-93	3-23-93					
		3-25-93	3-25-93			✓	
HB 132	1-27-93	3-18-93					
		3-25-93	3-25-93	✓			
HB 169	2-4-93	2-9-93					
		2-11-93	2-11-93			✓	

House BILL NO. 132

INTRODUCED BY Wyatt Fack McLaffert Eudy Grady Ream

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE SALE OR LEASE OF MUNICIPAL PROPERTY ACQUIRED BY TAX DEED FROM THE REQUIREMENT THAT A CITY OR TOWN COUNCIL MUST OBTAIN VOTER APPROVAL BEFORE AUTHORIZING THE SALE OR LEASE OF ANY MUNICIPAL PROPERTY HELD IN TRUST FOR A SPECIFIC PURPOSE; AND AMENDING SECTION 7-8-4201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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(b) ~~If~~ Except for property acquired by tax deed, if the property is held in trust for a specific purpose, the sale or lease thereof must be approved by a majority vote of the electors of the municipality voting at an election called for that purpose.

(3) ~~Nothing--contained--herein~~ This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city heretofore that were acquired for parks within the limitations prescribed by 7-16-4223."

-End-

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on March 18, 1993, at 3:00 p.m.

ROLL CALL

Members Present:
Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 132, HB 375, HB 479, HB 481, HB 584
Executive Action: None.

HEARING ON HB 479

Opening Statement by Sponsor:

Representative Don Larson, House District 65, spoke from prepared testimony in support of HB 479 (Exhibit #1).

Proponents' Testimony:

Mr. Mike Shea, Butte-Silver Bow, stated his support for HB 479. He said local governments can no longer afford the costs

Questions From Committee Members and Responses:

Senator Weldon asked Ms. Drake how many water quality districts currently exist in Montana, to which Ms. Drake replied two.

Senator Waterman asked Representative Brooke why the time period for protest as stated in HB 584 was different from all other time period protests. Representative Brooke replied the time period stated in HB 584 was requested by the constituent for whom the bill was drafted.

Senator Bartlett asked Representative Brooke why HB 584 specified a March 11th report filing date, to which Representative Brooke replied the filing date was specified by drafters of the bill.

Senator Eck asked if the time period for all protests was changed during the last legislative session to thirty days. Senator Harding replied she thought Senator Eck was correct.

Closing by Sponsor:

Representative Brooke stated she would leave consideration of HB 584 to the discretion of the Committee.

HEARING ON HB 132

Opening Statement by Sponsor:

Representative Diana Wyatt, House District 37, stated HB 132 would exempt the sale or lease of municipal property acquired by tax deed from the requirement that a city or town council must obtain voter approval before authorizing the sale or lease of such property. She said HB 132 would not affect land held in deeds of trust. Representative Wyatt stated it would cost tens of thousands of dollars to hold elections to approve a decision which is already in the best interest of the taxpayers in the community.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 132.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Weldon asked Connie Erickson if HB 132 was at all similar to any of the other municipal tax property bills previously heard in Committee, to which she replied it was not.

Senator Bartlett asked Representative Wyatt why HB 132 was necessary. Representative Wyatt replied HB 132 pertains to land acquired by trust only. She said it would give local governments another option.

Senator Waterman asked Representative Wyatt why HB 132 was drafted, to which she replied it was requested by the Local Government Policy Council.

Closing by Sponsor:

Representative Wyatt hoped the Committee would give HB 132 a Do Pass.

HEARING ON HB 481

Opening Statement by Sponsor:

Representative Diana Wyatt, House District 37, stated HB 481 would standardize to 15 percent the percentage of signatories needed for local government petitions. She said signatories must have been registered to vote in the last general election to lawfully sign any petition. Representative Wyatt stated this 15 percent requirement was consistent with the percentage required for constitutional initiatives.

Proponents' Testimony:

Mr. Alec Hansen, Montana League of Cities and Towns, stated his support for HB 481. He said the standardization of signature percentages for petitions is important to local governments.

Opponents' Testimony:

None.

ROLL CALL

SENATE COMMITTEE Local Government DATE 3-18-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		
		✓	

FC8

Attach to each day's minutes

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Senator Kennedy, on March 25, 1993, at 3:00 p.m.

ROLL CALL

Members Present:
Sen. Ed Kennedy, Chair (D)
Sen. Sue Bartlett, Vice Chair (D)
Sen. Dorothy Eck (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. John Hertel (R)
Sen. David Rye (R)
Sen. Bernie Swift (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Rosalyn Cooperman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 221, HB 463, HB 510, HB 528, HB 536
Executive Action:	HB 128, HB 132, HB 221, HB 301, HB 308, HB 367, HB 368, HB 375, HB 463, HB 479, HB 481, HB 510, HB 528, HB 536, HB 550, HB 584, HB 644

HEARING ON HB 463

Opening Statement by Sponsor:

Representative Ray Brandewie, House District 49, spoke on behalf of Representative Bill Boharski, sponsor of HB 463, who was unable to attend the hearing. Representative Brandewie stated HB 463 would allocate 25 percent of the boat fee to the motorboat account in the state special revenue fund in lieu of taxes

Discussion:

Senator Gage asked if the language in subsection 7 should be repeated in Section 2. Connie Erickson replied yes.

Motion/Vote:

Senator Waterman moved the Committee amend HB 375 to add a Section 2, subsection 5 repeating the language contained in Section 1, subsection 7. MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Waterman moved HB 375 BE CONCURRED IN AS AMENDED. MOTION CARRIED with Senator Rye voting NO. Senator Bartlett will carry HB 375 on the Senate floor.

EXECUTIVE ACTION ON HB 132

Motion/Vote:

Senator Weldon moved HB 132 BE CONCURRED IN. MOTION CARRIED UNANIMOUSLY. Senator Eck will carry HB 132 on the Senate floor.

EXECUTIVE ACTION ON HB 301

Discussion:

Connie Erickson stated HB 301, in its current form, was problematic. She said it was her opinion that HB 301, as amended on the House floor, violates the bill's original statement of intent. Ms. Erickson stated she spoke with Greg Petesch from Legislative Counsel who, in turn, stated there were two main problems with the bill. First, he said HB 301 did not sufficiently define "federal pretreatment standards" and, second, he said the amendments offered to HB 301 by the House moved the bill away from its original intent. She said the bill, in its original form, merely increased the penalty while the amended bill created an entirely new penalty. Ms. Erickson suggested the Committee consider stripping the House amendments and returning HB 301 to its original form. She concluded HB 301, in its original form, would increase the maximum penalty for violation of a municipal or local government ordinance from $500 to $1,000.

Motion:

Senator Eck moved the Committee strip the House amendments to HB 301.

ROLL CALL

SENATE COMMITTEE Local Government DATE 3-25-93

NAME	PRESENT	ABSENT	EXCUSED
Senator John "Ed" Kennedy	✓		
Senator Sue Bartlett	✓		
Senator Dorothy Eck	✓		
Senator Delwyn Gage	✓		
Senator Ethel Harding	✓		
Senator John Hertel	✓		
Senator David Rye	✓		
Senator Bernie Swift	✓		
Senator Mignon Waterman	✓		
Senator Jeff Weldon	✓		
Senator Eleanor Vaughn	✓		
		✓	

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

March 26, 1993

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 132 (first reading copy -- blue), respectfully report that House Bill No. 132 be concurred in.

Signed: John Ed Kennedy Jr.
Senator John "Ed" Kennedy, Jr., Chair

m- Amd. Coord.
___ Sec. of Senate

Senator Erk
Senator Carrying Bill

681005SC.Sma

HOUSE BILL NO. 132

INTRODUCED BY WYATT, MCCAFFREE, ENDY, GRADY, PECK, REAM, BRANDEWIE

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE SALE OR LEASE OF MUNICIPAL PROPERTY ACQUIRED BY TAX DEED FROM THE REQUIREMENT THAT A CITY OR TOWN COUNCIL MUST OBTAIN VOTER APPROVAL BEFORE AUTHORIZING THE SALE OR LEASE OF ANY MUNICIPAL PROPERTY HELD IN TRUST FOR A SPECIFIC PURPOSE; AND AMENDING SECTION 7-8-4201, MCA."

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(3) ~~Nothing--contained--herein~~ This section may not be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city ~~heretofore~~ that were acquired for parks within the limitations prescribed by 7-16-4223."

-End-